

**UNITED STATES DISTRICT COURT FOR THE**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT GREENEVILLE**

ERNEST C FIELDS, and wife     )  
MARGARET FIELDS, citizens and )  
Residents of Hampton, Carter   )  
County, Tennessee,             )

Plaintiff(s), )

U.S.D.C. No.: 2:06-CV-109  
Carter County Circuit Court  
Civil Action No.: C10202

vs.                                 )

LOWE'S HOME CENTERS,         )  
INC., d/b/a LOWE'S HOME       )  
CENTERS INC. OF                )  
ELIZABETHTON                  )

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**AGREED ORDER ALLOWING INSPECTION OF**  
**MEDICAL RECORDS**

By agreement of the parties for an Order authorizing the release of the medical records of *Ernest Claude Fields* , pursuant to ~~Rule 34 of the Federal Rules of Civil Procedure~~ and the *Health Insurance Portability and Accountability Act (HIPAA)*, 45 C.F.R. §§ 164.512(e)(1)(i), and for good cause shown,

THE COURT HEREBY ORDERS:

1. **Clint J. Woodfin or the Law firm of Spicer, Flynn & Rudstrom, PLLC.,** or their designated representatives, shall be allowed to inspect and/or obtain copies of all hospital records, medical records, medical reports, dental records, chiropractic records, psychiatric/psychological records, medical charts, x-rays, imaging films, diagnostic studies, pharmacy/prescription records, billing statements, and other documents or writings related to the diagnosis, care and treatment of **Ernest Claude Fields**.
2. A health care provider, their employees, psychiatrist or psychologist supplying records shall not discuss the patient/plaintiff's medical condition(s) or psychological condition with Defendant(s) or Defense Counsel, nor give additional reports to Defendant(s) or Defense Counsel except pursuant to the discovery authorized by the **Federal Rules of Civil Procedure** or when the patient's Attorney is present.
3. This Order does require **Clint J. Woodfin or the Law firm of Spicer, Flynn & Rudstrom, PLLC.,** or their designated representatives, to provide and deliver to Plaintiff's counsel, at no cost, a copy of:
  - a. All records, writings, electronic files or other materials obtained by any method,.
  - b. A summary of all records, writings, electronic files or any other materials reviewed by defense counsel or their agents but not copied, within 20 days of reviewing such records, writings, electronic files, or other materials and at least ten (10) days prior to the taking of any deposition in this case or the trial date.
  - c. Records, writings, electronic files or other materials obtained by any method, less than ten (10) days before any deposition, hearing or trial shall be provided no later than two business days prior to any deposition, hearing or trial.
  - d. A summary of all records, writings, electronic files or other materials, which are reviewed by defense counsel or their

agents, but not copied less than ten (10) days before any deposition, hearing or trial shall be provided no later than two business days prior to the date off any deposition, hearing or trial.

4. Defendant(s), their Counsel, insurers or agents shall not release or re-release the records obtained with this Order except to agents and/or associates, including Defendant(s), their representatives and to expert witnesses. All medical information obtained or received pursuant to this Order shall remain confidential and may be used only for purposes of this litigation. At the conclusion of litigation, the medical records or other materials shall be destroyed or securely archived and shall not be released to any person or entity for any purpose. The authority granted by this Order to obtain medical records shall expire upon final disposition of this case.

ENTER this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

s/ C. Clifford Shirley, Jr.  
HONORABLE C. CLIFFORD SHIRLEY, JR.  
UNITED STATES MAGISTRATE JUDGE

APPROVED FOR ENTRY

S\ Evan M. Meade [with permission Clint J. Woodfin]

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